

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CINDY L. WAUGH,

Plaintiff,

v.

**MICHAEL J. ASTRUE, as
Commissioner of the Social Security
Administration,**

Defendant.

CASE NO. 8:09CV469

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Plaintiff's pro se Complaint and Amended Complaint (Filing Nos. 1,3) signed by a paralegal, Sherry Heng.

Federal Rule of Civil Procedure 11(a) provides that "[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented." In this case, the Complaint and Amended Complaint do not comply with Rule 11(a). Rather, Ms. Heng signed the pleadings and attached a copy of a Social Security Administration form, SSA-1696-U4, entitled "Appointment of Representative" in which the Plaintiff appointed Ms. Haug to represent her in connection with her claim. However, the form includes a section entitled "What a Representative May Do" that lists duties that an appointed representative may perform at the administrative level. For example, those duties include: getting information from a claimant's file; going to interviews, conferences, or hearings with the claimant; requesting reconsideration, hearing, or Appeals Council review; helping the claimant prepare for a hearing; and questioning witnesses. The listed duties do not include representation at the appellate level in this Court.

In summary, Ms. Heng's attempted legal representation of the Plaintiff in this Court is not sanctioned either by Social Security Administration procedures or the Federal Rules

of Civil Procedure. Any further pleadings, papers, or motions not signed by the Plaintiff or her licensed attorney will not be filed and will be returned to the Plaintiff.

The Plaintiff may file a Second Amended Complaint on or before March 3, 2010, with a proper signature. If no such complaint is timely filed, this case may be dismissed without further order on March 4, 2010.

Accordingly,

IT IS ORDERED:

1. The Clerk is directed to strike the Plaintiff's Complaint (Filing No. 1) and Amended Complaint (Filing No. 3);
2. The summons issued by the Clerk (Filing No. 5) is quashed, and the Clerk is directed to so notify the party summoned;
3. The Clerk is directed to return any further pleadings, papers, or motions not signed by the Plaintiff or her licensed attorney;
4. The Plaintiff may file a Second Amended Complaint with the proper signature on or before March 3, 2010, and absent the timely filing of a properly signed complaint this case may be dismissed on March 4, 2010; and
5. The Clerk is directed to mail a copy of this order to the Plaintiff at her last known address.

DATED this 4th day of February, 2010.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge